

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Abigail Shuster	Team: Squad #15	CCRB Case #: 201507782	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 09/11/2015 8:50 PM	Location of Incident: Prospect Park Subway Station	Precinct: 71	18 Mo. SOL 3/11/2017	EO SOL 3/11/2017	
Date/Time CV Reported Mon, 09/14/2015 10:50 AM	CV Reported At: Precinct	How CV Reported: In-person	Date/Time Received at CCRB Mon, 09/14/2015 10:50 AM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POF Elizabeth Rodriguez	22250	945567	TB DT32

Officer(s)	Allegation	Investigator Recommendation
A.POF Elizabeth Rodriguez	Abuse: PO Elizabeth Rodriguez refused to provide her name and shield number to § 87(2)(b)	
B.POF Elizabeth Rodriguez	Abuse: PO Elizabeth Rodriguez seized § 87(2)(b) s property in a retaliatory manner.	

Case Summary

On September 11, 2015, at approximately 8:55pm, inside of the Prospect Park subway station in Brooklyn, PO Elizabeth Rodriguez of Transit District 32 summonsed § 87(2)(b) and § 87(2)(b) for misuse of student metro cards. § 87(2)(b) then requested PO Rodriguez's name, shield number, and precinct, and PO Rodriguez allegedly replied, "It's on the summons" (**Allegation A**). Shortly thereafter, PO Rodriguez allegedly confiscated § 87(2)(b)'s student metro card in a retaliatory manner (**Allegation B**). No arrests were made during this incident.

Mediation, Civil and Criminal Histories

- § 87(2)(b) declined to mediate her complaint, both during a telephone statement and during her in-person statement. § 87(2)(b)
- A FOIL request was filed on November 23, 2015, to verify whether any notices of claim have been filed. The results will be added to the case file upon receipt.
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Civilian and Officer CCRB Histories

- This is § 87(2)(b)'s first CCRB complaint (BR 1).
- PO Rodriguez has been the subject of two prior CCRB allegations involving a single complaint, case number 201307081, which the complainant withdrew. § 87(2)(g)

Video Footage

New York City Metropolitan Transportation Authority video footage was obtained for this incident, but it does not contain audio § 87(2)(g)

Findings and Recommendations

Allegation A – Abuse of Authority – PO Elizabeth Rodriguez refused to provide her name and shield number to § 87(2)(b)

It is undisputed that, about ten minutes after being issued a summons by PO Rodriguez, § 87(2)(b) returned to PO Rodriguez and requested her name, shield number, and precinct. It is also undisputed that PO Rodriguez told § 87(2)(b) that her information was listed on the summons. § 87(2)(b) in filing this report against PO Rodriguez, provided the officer's name and tax registry number off of her summons.

§ 87(2)(g) § 87(2)(b) alleged that PO Rodriguez did not do so, and that she refused to show § 87(2)(b) where on the summons such information was listed. PO Rodriguez testified that she did recite her name and shield number verbally after having told § 87(2)(b) where it could be listed. She also noted that § 87(2)(b) wrote down her information at such time (BR 2, BR 5).

§ 87(2)(b) who is § 87(2)(b)'s mother, was on the phone with § 87(2)(b) during this exchange. § 87(2)(b) testified that PO Rodriguez's response to her daughter's request was limited to telling her that everything was listed on the summons. § 87(2)(b) who witnessed the incident, reported that no conversation about name and shield number occurred between § 87(2)(b) and PO Rodriguez (BR 3, BR 4).

Officers are to state their rank, name, shield number, and command, or otherwise provide such information, to anyone who requests it. NYPD Patrol Guide Procedure 203-09(BR 7).

§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)

Allegation B - Abuse of Authority – PO Elizabeth Rodriguez seized § 87(2)(b)'s property in a retaliatory manner.

The undisputed facts with respect to this allegation are as follows:

PO Rodriguez confiscated one student metro card from § 87(2)(b) in the process of summonses both her and § 87(2)(b) for misuse of a student metro card. In the course of the discussion concerning the summons, it arose that § 87(2)(b) had an additional student metro card in her possession. She and § 87(2)(b) left with their summonses and walked down to wait for the Shuttle train. § 87(2)(b) returned to PO Rodriguez's vicinity about ten minutes later while her mother, § 87(2)(b) was on the phone. § 87(2)(b) told PO Rodriguez that she wanted her name, shield number, and precinct, as discussed in Allegation A. During the course of this second interaction, PO Rodriguez confiscated § 87(2)(b)'s second metro card.

§ 87(2)(g)

§ 87(2)(b) reported that, after asking PO Rodriguez for her information, PO Rodriguez became frustrated and said, "Now I'm confiscating *your* card!" When § 87(2)(b) asked her why, PO Rodriguez said, "Because I don't need this, this is ridiculous. I sent you on your way already and you should have just left!" (BR 2)

§ 87(2)(b) who was on the phone with her daughter during this part of the incident, testified to hearing PO Rodriguez tell § 87(2)(b) "Because you're back, I'm going to confiscate your card, too!" (BR 3). § 87(2)(b) in an unverified telephone statement, reported that PO Rodriguez told § 87(2)(b) "For coming back up here, I'm going to take your card, too!" (BR 4).

PO Rodriguez acknowledged that she was frustrated and confused when § 87(2)(b) returned ten minutes after being summonsed. When asked what prompted her to confiscate § 87(2)(b)'s second card, PO Rodriguez initially stated, "She came back and it was escalating and I didn't know what to expect." She testified that she told § 87(2)(b) that she was free to leave and that

she did not know why she was back. When asked directly whether she ever told § 87(2)(b) that she was taking the second card because § 87(2)(b) had returned, PO Rodriguez stated that she did not recall having said that (BR 5).

PO Rodriguez later stated that she told § 87(2)(b) that the reason for confiscating the second card was due to the lack of clarity regarding which metro card had been used improperly. The two cards would therefore be vouchered and become part of an investigation. She also testified to having told § 87(2)(b) that she could have taken both cards initially and that, earlier, she was giving her “a break” (BR 5). No other officers were on scene during this exchange. Three other officers arrived later on, around the time that § 87(2)(b) did, but none of these officers were present during the time this second confiscation occurred.

New York City student metro cards are to be used only by the student whose name appears on the back of the card, and only on days when school is in session (BR 8). § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Squad: 15

Investigator: _____
Signature Print Date

Pod Leader: _____
Title/Signature Print Date

Attorney: _____
Title/Signature Print Date